

INITIAL STATEMENT OF REASONS

Amend Minimum Standards for Training Regulation 1005

At the October 27, 2016 meeting, the Commission approved the proposed amendments to Regulation Section 1005- Field Training Program Minimum Content Requirements and Field Training Officer Course Minimum Requirements.

POST is proposing regulatory changes related to instructor exemptions in Continuous Professional Training (CPT) cycle for the Perishable Skills Program (PSP) course they instruct as a Field Training Officer. The specific benefits anticipated by the proposed changes to the regulation will create flexibility by exempting a certified or qualified PSP instructor from attending a PSP course as a student in the topic they are qualified or certified to instruct.

Justification for Proposed Revisions

Regulation 1005(d)(4) Perishable Skills/Communications Requirement for CPT

The proposed regulatory revisions are intended to make POST Field Training Officers who instruct specific courses exempt from having to attend any training as a student in the topic they are qualified to instruct or from having to demonstrate his/her competency. This exemption can be granted as long as the instructor has presented a course within the same two-year CPT cycle. The CPT cycle is defined as two years because the advanced officer training requirements were intended to more accurately reflect the current training patterns of California law enforcement in maintaining proficiency through continuing training. POST commenced a study to indicate most agencies were already meeting or exceeding the requirements which have been in effect since July of 1986.

The proposed change is necessary because it eliminates the redundancy of a POST Field Training Officer to instruct a course and have to attend the same training as a student. The instructors will still adhere to the current practice of law enforcement agencies to follow the established industry standard of a 24 month training cycle in other required PSP disciplines required for CPT cycle compliance. This provides continuity of training and allows for evolving trends.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for governmental law enforcement agencies. The proposed regulations pertain exclusively to Field Training Officer training exemptions of CPTs and do not have an impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses

The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Assessment

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The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

The Commission has determined that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

Economic Impact Analysis

Impact of Jobs/New Business:

The Commission on Peace Officer Standards and Training sets selection and training standards for governmental law enforcement agencies that are POST members. The proposed revisions pertain to the definition of a "Jail Deputy" and the training requirements and training exemptions of Jail Deputies that are solely applicable to governmental law enforcement agencies. Accordingly, adoption of the proposed regulatory revisions will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

Assessment:

The proposed revisions pertain solely to training requirements and exemptions solely utilized by governmental law enforcement agencies that are POST members. As a result, the adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Benefits of the Regulation:

The benefits of proposed amendments to the regulation will create flexibility for instructors who actively teach Perishable Skills Courses (Driving, Arrest and Control, Firearms), and Tactical/Interpersonal Communications from the requirement to attend training as a student in these specific courses in which they teach.

Thus, the law enforcement standards preserve peace, protection of public health, safety, and the welfare of California. The proposed amendments will not benefit the worker safety or the State's environment.